

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. DISPOSITION OF THE CLAIMS

Claim 1 is requested to be cancelled. Claims 2-9, 11-13, 16, and 23-28 are currently being amended. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-9, 11-16, and 23-28 are now pending in this application. Claims 24-27 are withdrawn as non-elected. Accordingly, claims 2-9, 11-16, 23, and 28 are under examination.

II. ALLOWABLE SUBJECT MATTER

Applicants have amended the claims under examination to correspond to the Office's determination of elected subject matter to move the case to allowance.

A. Claim 28 is allowable

Claims 1 and 28 stand rejected as anticipated over US 6,596,747 (Liu). This rejection is based on Liu's disclosure of compounds that Applicants sought to remove from claims 1 and 28 by provisos now rejected as new matter. Both issues have been obviated.

Claim 1 has been canceled. As explained below, Applicants have amended claim 28 to the elected subject matter, thus excluding the Liu compounds to obviate anticipation.

1. Liu does not anticipate claim 28 as amended

Claim 28 as amended excludes the relevant Liu compounds 64 and 65 (see Liu, columns 59-60) by requiring R7 to be “a heteroaryl¹ group”.

As noted by the Office, in the relevant Liu compounds “R7 is a substituted phenyl variant” (emphasis added, Office Action, page 4, line 11).

Thus, claim 28 as amended excludes the Liu compounds. The anticipation rejection is therefore obviated by amendment and should be withdrawn.

2. Claim 28 contains no new matter

The Office considered the definition of “alkyl^{1bis}” in claim 28 to be new matter. Office Action, page 3, lines 8-15.

The term “alkyl^{1bis}” has been deleted from claim 28. The term “alkyl^{1bis}” appeared in non-elected embodiments of the variable R7. The present amendment removes from claim 28 the term “alkyl^{1bis}” to limit R7 to elected subject matter. Claim 28 has been limited to the elected subject matter shown in the Office Action (see page 5) as the element (iv) for R7. The term “alkyl^{1bis}” does not appear in the element (iv) defining R7. Thus, Applicants have obviated this ground of rejection by amendment.

B. Dependent claims 2-9, 11-16, and 23-27 are allowable

Claims 2-9, 11-16, and 23-27 stand objected to solely for containing non-elected subject matter. Office Action, page 6, lines 5-7. No other objections or rejections exist against these claims. The objection is based on the scope of claim 28, which the Office asserted contains non-elected subject matter.

Claims 2-9, 11-16, and 23-27 now depend from claim 28, which has been limited to the elected subject matter shown in the Office Action (see page 5) as the element (iv) for R7.

Thus, Applicants consider the subject matter of claims 2-9, 11-16, and 23-27 to be allowable .

CONCLUSION

Applicants believe that the present application is now in condition for allowance.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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